



## MINUTES

**BRYAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, NOVEMBER 1, 2007  
AT 6:00 P.M.  
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer:     *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

### **1. CALL TO ORDER**

Chairperson Hughes called the regular meeting to order at 6:19 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. G.H. Jones Mr. Robert Horton, Mr. Art Hughes (Chairperson), Mr. Michael Parks and Mr. Don Maxwell (Parliamentarian).

Commission members absent were: none.

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. Randy Haynes, Staff Planner; Ms. Julie Fulgham, Staff Planner; Ms. Janis Hampton, Interim City Attorney; and Mr. Rodney Schmidt, Planning Intern.

### **2. HEAR CITIZENS**

No one came forward.

### **3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST**

Commissioner Parks filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding agenda item #4 (Consent Agenda). Commissioner Parks will not participate in deliberation or voting on this agenda item.

#### **4. CONSENT AGENDA**

**A. Minutes from the workshop and regular meeting on October 11, 2007.**

**B. Final Plat FP06-26 - M. Zimmermann**

*Proposed Final Plat of Hudson at University Subdivision – Phase One, being 3.474 acres of land out of Richard Carter Survey, A-8, adjoining the north side of University Drive between State Highway 6 and Coppercrest Drive in Bryan, Brazos County, Texas.*

**C. Final Plat FP07-26 - M. Zimmermann**

*Proposed Final Plat of Park Hudson Subdivision – Phases 10 and 11, being approximately 26 acres of land located near the intersection of University Drive and Corporate Center Drive in Bryan, Brazos County, Texas.*

**D. Final Plat FP07-28 - J. Fulgham**

*Proposed Final Plat of Fry Addition, being 1.01 acres of land located along Steep Hollow Road in the ETJ of Bryan, Brazos County, Texas.*

**E. Alley Closing AC07-04 - R. Haynes**

*A request to permanently close a 20 foot by 250 foot unimproved alley right of way in Block 234 of the Bryan Original Townsite located near Reed Avenue and West 23<sup>rd</sup> Street in Bryan, Brazos County, Texas.*

**Commissioner Maxwell moved to approve the Consent Agenda. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote. Commissioner Parks did not participate in deliberation or voting on this agenda item due to a conflict of interest.**

**REQUESTS FOR APPROVAL OF VARIANCES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; appeals may be directed to City Council.)**

**5. Planning Variance PV07-36 - R. Haynes**

*A request to vary from the current 7.5 foot side setback to the previous 5 foot setback for 3117 Broadmoor Drive, Lot 3, Block 2 in the Briarcrest West Subdivision in Bryan, Brazos County, Texas.*

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the applicant is requesting a variance from the current building setback requirements. Staff recommends approval of this request because denial will prevent the owner from building a house of similar appearance to others in the surrounding blocks. Staff finds that hardship imposed on the applicant by requiring compliance with the existing standards outweigh the benefits derived by the general public through compliance with the requirements of this chapter. In addition, staff cannot identify any significant benefit to the public that compliance with the ordinance would provide in this particular case.

The public hearing was opened.

Mr. Stanley Wells came forward to speak in favor of the request. He feels that the variance will allow the new home to look like those surrounding it.

The public hearing was closed.

**Commissioner Beckendorf moved to approve Planning Variance PV07-36, as requested, accepting the findings of staff. Commissioner Maxwell seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**6. Planning Variance PV07-37 - R. Haynes**

*A request to vary from the current 7.5 foot side setback to the previous 5 foot setback for 3117 Broadmoor Drive, Lot 3, Block 2 in the Briarcrest West Subdivision in Bryan, Brazos County, Texas.*

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the applicant is requesting a variance from the building setback requirements. Staff recommends approval of this request because denial will prevent the owner from building a house similar appearance to others in the surrounding block. Staff finds that hardship imposed on the applicant by requiring compliance with the existing standards outweigh the benefits derived by the general public through compliance with the requirements of this chapter. In addition, staff cannot identify any significant benefit to the public that compliance with the ordinance would provide in this particular case.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Beckendorf moved to approve Planning Variance PV07-37, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**7. Planning Variance PV07-38 – R. Haynes**

*A request for a 10 foot variance from the required 25 foot front building setback for 3117 Broadmoor Drive, Lot 3, Block 2 in the Briarcrest West Subdivision in Bryan, Brazos County, Texas.*

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the applicant is requesting a variance from the building setback requirements. Staff recommends approval of this request because denial will prevent the owner from building a house similar appearance to others in the surrounding block. Staff finds that hardship imposed on the applicant by requiring compliance with the existing standards outweigh the benefits derived by the general public through compliance with the requirements of this chapter. In addition, staff cannot identify any significant benefit to the public that compliance with the ordinance would provide in this particular case.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Beckendorf moved to approve Planning Variance PV07-38, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**REQUESTS FOR APPROVAL OF REZONING – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval.)**

**8. Rezoning RZ07-40 - J. Fulgham**

*A request to rezone approximately 1.27 acres of land from Office District (C-1) to Retail District (C-2) located at 2901 Trophy Drive, and being Lot 4, Block 2 in the Penner Place Subdivision in Bryan, Brazos County, Texas.*

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham stated that this request is to rezone approximately 1.27 acres located at the intersection of Trophy Drive and the frontage road for State Highway 6 from an Office District to a Retail District. The applicants request this rezoning because they feel the property's location is conducive to a retail environment. The applicants also state that the "property has been marketed for office development for sometime without any results. In fact, other than Davis & Davis Law Office, none of the office property in Penner Place Subdivision has been developed. However, in nearby areas, retail development is occurring." Staff recommends approval of this request because this zone change will promote a balanced pattern of land use in this area and will also provide a transition of land use intensities between the high intensity freeway to the east of the property and offices and residences located to the west of the subject property. Additionally, Trophy Drive is classified as a major collector and the frontage road is classified as a freeway. The Comprehensive Plan promotes retail uses to be located at intersections of major roadways. This request is therefore supported by the principles outlined within the Comprehensive Plan.

The public hearing was opened.

Mr. Chris Peterson, 3702 Oak Ridge Drive, Bryan, Texas came forward to speak as the representative of the applicant who is in favor of the zoning change. He stated that:

- the zoning change is consistent with many of the businesses surrounding the subject property;
- the zoning change will help to increase the sales tax base for the city;
- the City of Bryan's Comprehensive Plan recommends this property be used for retail use; and
- the property has remained vacant for a long period of time under the office zoning classification.

Ms. Doris Graffino, 2208 Briargate Drive, Bryan, Texas came forward to speak in opposition to this request. She stated that the applicant, Leslie Liere, could possibly put in a restaurant in the subject property if it is zoned retail. She feels that this could harm her nearby neighborhood.

Ms. Linda Voukavich, 2356 West Briargate Drive, Bryan, Texas came forward to speak in opposition to this request. She stated that the office classification of the property was what encouraged her to buy her house in the nearby neighborhood.

Mr. Warner Rose, 2428 East Briargate Drive, Bryan, Texas came forward to speak in opposition to this request. He feels that rezoning the property to C-2 would harm the surrounding community.

Ms. Suzy Stubblefield, 2307 West Briargate Drive, Bryan, Texas came forward to speak in opposition to this request. She feels that rezoning will increase the traffic in the neighborhood.

Mr. Fred Davis, 5120 OSR East, Bryan, Texas came forward to speak in opposition to this request. He stated that the only reason he built his law office near the subject property was because the subject property was zoned C-1. He stated that the traffic in the area will likely increase if the property is rezoned to C-2. He also stated that the City of Bryan should not rezone this property because of previous agreements made with the surrounding property owners.

Mr. John Brandenburg, 2628 Trophy Drive, Bryan, Texas came forward to speak in opposition to this request. He stated that rezoning the property will decrease the beauty of the area and result in a bigger traffic problem.

Mr. David Morgan, 2358 West Briargate, Bryan, Texas came forward to speak in opposition to this request. He read a letter from Mr. Wayne McGuire which was in opposition to the request. Mr. Morgan stated that he values his property and does not want to see the property rezoned.

Mr. Chaylin Jones, 2008 Quail Hollow, Bryan, Texas came forward to speak in opposition to this request. He stated that the subject property's best use is C-1 because it provides a buffer between retail and residential.

Mr. Tom Reich, 2210 East Briargate, Bryan, Texas came forward to speak in opposition to this request. He stated that the rezoning could cause potential homeowners to look at other neighborhoods. He also stated that the rezoning could cause further traffic issues.

Ms. Edwina Brewer, 2250 East Briargate, Bryan, Texas came forward to speak in opposition to this request. She stated that drainage facility on the subject property will not buffer the neighborhood to the east. She also stated that the neighborhood would be willing to create a petition to show just how opposed it is to the rezoning request.

Ms. Caroline Lampo, 2214 East Briargate, Bryan, Texas came forward to speak in opposition to this request. She stated that the property was originally zoned residential and then upgraded to C-1. She stated that if the city goes back on its word in this case, it will not be good for the development of the city.

Mr. Kelson Mills, 2220 East Briargate, Bryan, Texas came forward to speak in opposition to this request.

Mr. Chris Ventzel, 2601 Lochenvar, Bryan, Texas came forward to speak in opposition to this request. He stated that he moved to Bryan because of the character of his neighborhood. He feels that if this property is rezoned it could change the character of his neighborhood.

The public hearing was closed.

**Commissioner Beckendorf moved to recommend approval of Rezoning RZ07-40, as requested, accepting the findings of staff. Commissioner Parks seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Bond stated that the area should remain its current zoning because it provides a nice buffer for the residential area.

Commissioner Parks stated that the area should be rezoned to C-2 because the Comprehensive Plan suggests it. He stated that this property is suitable for retail because it has not been utilized as C-1 in a very long time and is near a major intersection which is ideal for C-2 under the Comprehensive Plan.

Commissioner Davila asked staff if any property owner can request a zoning change. Staff stated that any owner can request a zoning change no matter where the property is located.

Commissioner Maxwell stated that there was confusion as to the zoning classification of the property located at Trophy Drive and Briargate Drive. Staff stated that this matter would be investigated but the map was taken straight from the city's official zoning map.

Commissioner Parks asked what the buffer requirements are for higher intense zonings. Ms. Fulgham read the requirements to the Commission.

Commissioner Clark stated that he agrees with Commissioner Bond's comments that this property should remain C-1. He also added that office zones historically take a long time to sell.

Commissioner Davila stated that the city's agreements made with the neighborhood in the past make a difference to him and should be taken into consideration. He also stated that the property can have a rezoning request at any time in the future to change the property.

Commissioner Beckendorf stated that his motion in favor of this request was based on the City of Bryan's Comprehensive Plan recommendation for this location.

Commissioner Maxwell stated that the city's agreements made with the neighborhood is a key reason to not support the rezoning.

Commissioner Hughes stated that the Comprehensive Plan is very valuable but in this case overlooks the existence of the residential area only 300 feet from the intersection of William Joel Bryan and Highway 6. He also stated that the C-1 zoning in place provides a nice buffer for the residential areas from the surrounding retail properties.

**The motion failed to pass with a vote of two (2) in favor and seven (7) in opposition. Commissioners Beckendorf and Parks cast the votes in favor of the motion.**

**Commissioner Parks moved to recommend denial of Rezoning RZ07-40, based on the fact that the buffer requirements are not specific enough to protect the neighborhood from the commercial zoning. Commissioner Beckendorf seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Parks stated that the previous vote proves how well the process works.

**The motion passed with a unanimous vote.**

#### **9. Rezoning RZ07-41 - R. Haynes**

*A request to amend the development plan for the Traditions Planned Development consisting of 789.57 acres located near the intersection of West Villa Maria Road and Traditions Boulevard in Bryan, Brazos County, Texas.*

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that on April 24, 2001 the Bryan City Council approved rezoning case RZ 01-05, Traditions Golf Course. Due to the lengthy timeline of the project and changing market conditions, the approved associated development plan in some cases will no longer represent the specific needs of the developers.

The amendment to the development plan incorporates the following:

1. The original development plan included a total of 27 golf course holes. Future expansion of the golf course is no longer planned and the additional nine holes have been removed from the development plan.
2. Development pods have been re-numbered. Several newly numbered areas do not lay within the 789 acre Traditions PD and will not be governed by the development plan.
3. Uses permitted within pod number one to be amended to include residential and office uses in addition to the originally planned hotel and casitas.
4. Pod two has been divided into three parts. Previously planned as part of the country club campus, planned uses include additional residential sites and hotel / casita use.
5. Uses permitted within pod number three to be amended to include residential and multi-family uses by right. A 200 foot buffer of retail uses will be required along West Villa Maria Road in pod three.
6. In pod 12, a 152 acre space, multi-family and townhouse uses will be added to residential and office as permitted uses.

7. The permitted use in pod 3a adjacent to Traditions Boulevard has been shifted from retail to residential.
8. Pod 22, located south-west of South Traditions Drive combines land formerly reserved for expansion of the golf course and adds office, retail and multi-family to its permitted uses.
9. A portion of a future roadway from Highway 47 through the Traditions PD linking to F&B Road is shown on the revised development plan.
10. This proposed plan amendment neither adds nor takes away land area from the Traditions PD. Existing adopted PD boundaries remain the same.
11. Where multiple land uses are permitted within a pod, the land use policies outlined within the 2006 City of Bryan Comprehensive Plan will govern development decisions.

Staff recommends approving the amendments to the Traditions PD as requested by the applicant because staff believes the amended land uses outlined within this plan and development proposed at this location will be compatible with existing and anticipated uses surrounding this property. Staff believes that future use and development of this property will have minimal adverse impacts on nearby properties and the City as a whole. Along with several other PD zoning districts in the vicinity of this request, this project will serve to enhance the further development and connectivity of adjacent properties through the extension of streets such as F&B Road, and the extension or “looping” of existing utility lines. New public school sites have been acquired by BISD in the area.

The public hearing was opened.

Mr. Eddie Hair, 5855 Foster, Bryan, Texas came forward to speak in favor of the request. He stated that the agreement with the City of Bryan only requires an 18-hole golf course.

Diane McGallagher, 3308 Willow Ridge, Bryan, Texas came forward and stated that she does not want the trees removed that act as a natural buffer between her property and the Health Science Center.

The public hearing was closed.

**Commissioner Clark moved to recommend approval of Rezoning RZ07-41, as requested, accepting the findings of staff. Commissioner Horton seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

## **10. ADJOURN**

Without objection, Chairperson Hughes adjourned the meeting at 8:31 p.m.



These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **15<sup>th</sup>** day of **November, 2007**.

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Art Hughes, Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

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Lindsey Guindi, Planning Manager and  
Secretary to the Planning and Zoning  
Commission